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PATENT
Customer No. 22,852
Attorney Docket No. 1220.0013-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gregg S. BAKER) Group Art Unit: 3765
)
Serial No.: 10/821,264) Examiner: R. Lindsey
)
Filed: April 9, 2004)
) Confirmation No.: 8615
For: HEAD STABILIZING SYSTEM)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

In a restriction requirement dated October 31, 2005, the Examiner required restriction under 35 U.S.C. § 121 between the following inventions:

Group I, claims 1-60, characterized by the Examiner as being drawn to a head stabilizing system, and

Group II, claims 61-84, characterized by the Examiner as being drawn to a method of adapting a helmet.

In addition to requiring an election of one of the groups identified above, the Examiner required an election of one of the allegedly patentably distinct species of Figs. 1A, 1B, 1C, 2A, 2B, 3, 4, 5A, 5B, 5C, 5D-5F, 5G-5H, 8, 9, and 10A-10D, respectively. Applicant believes that this species requirement should have been limited to an election of group I, claims 1-60, characterized by the Examiner as being drawn to a head

stabilizing system. The invention of group II, claims 61-84, characterized by the Examiner as being drawn to a method of adapting the helmet, is generic to most of the species listed by the Examiner. Further, several of the species listed by the Examiner should be grouped together if being applied to the claims of group II. For example, Figs. 1B, 1C, 2A, 5A, 5B, 5D-5F, and 10A-10D all utilize a bracket to connect the resisting member to the helmet. Reconsideration and withdrawal of the election of species is requested.

Upon election of a group and species above, the Examiner also required a listing of the claims that "read" on the elected group and species.

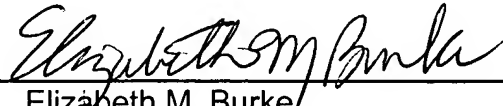
Applicant does not necessarily agree with the various characterizations and assertions regarding either Applicant's claims or the allegedly patentably distinct groups and species that are set forth in the Office Action. Nonetheless, to expedite prosecution of this application, Applicant provisionally elects, **with traverse**, to prosecute Group I, claims 61-84, and the species of Figs. 10A-10D. Applicant submits that claims 61-67, 70, 71, 73-79, 82, and 83 are generic. Applicant also submits that claims 61-67, 70, 71, 73-79, 82, and 83 "read" on the elected group and species. Applicant understands that upon the allowance of independent claim 61, non-elected dependent claims 68, 69, and 72 will be rejoined and also allowed. Applicant further understands that upon the allowance of independent claim 73, non-elected dependent claims 80, 81, and 84 will be rejoined and also allowed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 30, 2005

By: 
Elizabeth M. Burke
Reg. No. 38,758